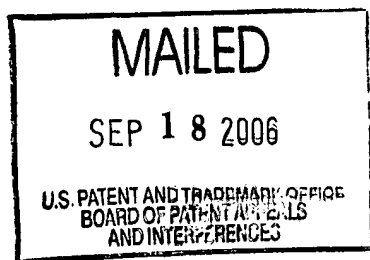


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



---

Ex parte WINGA HO

---

Application 09/587,721

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on August 28, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

A review of the Image File Wrapper (IFW) indicates that an Examiner's Answer was mailed on May 8, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8<sup>th</sup> Ed., Rev. 3, August 2005) states:

### Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(2) Related Appeals and Interferences. A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph should be included in the Related proceedings appendix section.

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that the Examiner's Answer mailed May 8, 2006 does not contain a "Related Appeals and Interferences" section. In addition, while page 4 of the Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" ["Evidence Relied Upon"], the claim rejection is listed as follows:

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/14971 issued to Desnoyers in view of EP 0851624 issued to Uota.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Related Appeals and Interferences" and "Evidence Relied Upon" sections; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

DMS:psb

Beyer Weaver & Thomas, LLP  
P.O. Box 70250  
Oakland, CA 94612-0250